## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division

JULIA DESOGUGUA, Individually, and on behalf of others similarly situated,	) ) )
Plaintiff,	)
v.	) C.A. No. 1:11-cv-00188-LO-JFA
WELLS FARGO BANK, N.A., d/b/a WELLS FARGO HOME MORTGAGE,	) ) )
Defendants.	
	)
	)

# DEFEDANT'S NOTICE OF WITHDRAWAL OF MOTION TO DISMISS PLAINTIFF'S CLASS COMPLAINT WITHOUT PREJUDICE

NOW COMES Defendant, Wells Fargo Bank, N.A. ("Wells Fargo"), by counsel, and hereby withdraws without prejudice its Motion to Dismiss Plaintiffs' Class Complaint, filed on April 29, 2011, as well as any related supporting memoranda and the Notice of Hearing for June 10, 2011. Plaintiff filed her Amended Complaint on May 20, 2011, which has rendered Wells Fargo's Motion to Dismiss moot. Wells Fargo intends to file a new Motion to Dismiss the Amended Complaint within the time permitted by applicable rules. Wells Fargo also requests that the Court remove this case from the June 10, 2011 10:00 a.m. motions docket. Wells Fargo will seek to schedule a hearing on its Motion to Dismiss the Amended Complaint at a later date after conferring with opposing counsel.

Respectfully submitted,

WELLS FARGO BANK, N.A.,

By its attorneys,

/s/ Terry C. Frank

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May 26, 2011

Attorneys for Defendant Wells Fargo Bank, N.A.

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 26th day of May, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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#### And mail by first class U.S. Mail to the following:

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